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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

WILLIAM YOUNG et al.,

Plaintiffs and Appellants,

v.

APRIL A. MARTINEZ,

Defendant and Respondent.

G056593

(Super. Ct. No. 30-2016-00852097)

O P I N I O N

Appeal from a judgment of the Superior Court of Orange County, Carmen R. Luege, Temporary Judge. (Pursuant to Cal. Const., art. VI, § 21.) Affirmed.

William Young and Zhanfen Young, in pro. per., for Plaintiffs and Appellants.

Sigelman Law Corporation and Paul S. Sigelman for Defendant and Respondent.

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Plaintiffs William Young and Zhanfen Young appeal a court trial judgment entered in favor of defendant April A. Martinez on a complaint against multiple defendants arising out of the sale of motor vehicles. Although plaintiffs' appeal was well argued and articulated, we conclude substantial evidence supports the judgment. Our review of the record does not reveal any trial court error and the absence of a reporter's transcript and statement of decision trigger well-established legal presumptions. We affirm the judgment.

I

FACTS AND PROCEDURAL HISTORY

A. Trial Court Judgment and Plaintiffs' Contentions

Plaintiffs sued defendants Source Specialist, Fred L. Cerritos, and Martinez after wiring \$560,000 to Source Specialist but not receiving title certificates for the motor vehicles purchased. Specifically, plaintiffs contend they engaged in business dealings with defendants from November 2015 to early February 2016 for the sale of six luxury vehicles to plaintiffs. Plaintiffs contend they wired the money to Source Specialist based upon Martinez's instruction and were told by Martinez and Cerritos that title certificates would be delivered within three weeks of payment. Plaintiffs did not receive the title certificates and filed this lawsuit, pleading four causes of action: (1) breach of fiduciary duty; (2) negligence; (3) fraud; and (4) breach of contract. Relevant to this appeal are plaintiffs' fraud and breach of contract causes of action.

After a court trial, judgment was entered in favor of plaintiffs as to Source Specialist and Cerritos—who had been defaulted according to plaintiffs' brief—but not in favor of plaintiffs as to Martinez. The parties did not request a statement of decision and Martinez's brief indicates no court reporter was present at the trial. On appeal, plaintiffs contend the trial court erred by (1) failing to find Martinez liable for fraud, and (2) failing to make an express finding regarding Martinez's liability for breach of contract. Without

demonstrating their admission at the court trial through proper citation to the record, plaintiffs contend evidence—deposition testimony and text messages—demonstrated Martinez was in fact liable for both fraud and breach of contract. Plaintiffs cite to no legal authorities supporting their arguments.

B. Appellate Record

As noted above, the record before this court contains no court reporter's transcript or statement of decision. Nor does the record contain copies of a minute order or invoices plaintiffs argue about.

II

DISCUSSION

A. Standard of Review and Relevant Law

Plaintiffs contend the trial court erred because the evidence compelled judgment against Martinez. When an appeal challenges a trier of fact's resolution of factual questions, the substantial evidence standard of review requires an appellate court to review the record, draw any reasonable inferences in a light most favorable to the judgment, and uphold the judgment where the record contains substantial evidence to support it. (*US Ecology, Inc. v. State of California* (2005) 129 Cal.App.4th 887, 908.) In performing this analysis, an appellate court accepts a trier of fact's resolution of conflicting inferences. (*In re Providian Credit Card Cases* (2002) 96 Cal.App.4th 292, 301.) It also defers to the trier of fact regarding witness credibility (*Lenk v. Total-Western, Inc.* (2001) 89 Cal.App.4th 959, 968), and does not reweigh the evidence. (*Howard v. Owens Corning* (1999) 72 Cal.App.4th 621, 630-631.) Indeed, a judgment supported by substantial evidence must be affirmed even if substantial evidence to the contrary also exists. (*Ibid.*)

An appeal of a judgment is generally subject “to three fundamental principles of appellate review: (1) a judgment is presumed correct; (2) all intendments and presumptions are indulged in favor of correctness; and (3) the appellant bears the burden of providing an adequate record affirmatively proving error.” (*Acquire II, Ltd. v. Colton Real Estate Group* (2013) 213 Cal.App.4th 959, 970.) Naturally, an appellant also bears a burden to provide an adequate record for appellate review. (*Aguilar v. Avis Rent A Car System, Inc.* (1999) 21 Cal.4th 121, 132.) This includes supporting claims with specific citations to the record (Cal. Rules of Court, rule 8.204(a)(1)(C); *Duarte v. Chino Community Hospital* (1999) 72 Cal.App.4th 849, 856), and supporting legal arguments by citing to legal authorities. (See *McComber v. Wells* (1999) 72 Cal.App.4th 512, 522-523.) This burden applies equally to appellants who represent themselves as well as those represented by counsel. (*Ibid.*)

In the present case, two standard rules are implicated by the record. First, if no statement of decision was requested of a trial court, an appellate court will deem waived any argument that the trial court failed to make a necessary finding and presume the trial court made all necessary findings pursuant to the “doctrine of implied findings.” (*Acquire II, Ltd. v. Colton Real Estate Group, supra*, 213 Cal.App.4th at p. 970.) Second, if no reporter’s transcript is provided and no error is apparent on the face of the record, an appellate court will conclusively presume the trial court’s findings were supported by the evidence. (*Estate of Fain* (1999) 75 Cal.App.4th 973, 992.)

We find no error on the face of the record. We infer the trial court made all implied findings necessary to support its judgment that Martinez was not liable to plaintiffs. (See *Acquire II, Ltd. v. Colton Real Estate Group, supra*, 213 Cal.App.4th at p. 970.) Further, while plaintiffs did not have to provide a reporter’s transcript, their failure to do so left them without evidence to support their arguments on appeal. We presume that unreported oral proceedings would have demonstrated an absence of error

and therefore the trial court's findings were supported by substantial evidence. (*Estate of Fain, supra*, 75 Cal.App.4th at p. 992.)

III

DISPOSITION

The judgment is affirmed. Martinez is entitled to her costs in this appeal.

MOORE, J.

WE CONCUR:

BEDSWORTH, ACTING P. J.

GOETHALS, J.